

# SENATE AMENDMENTS

**2<sup>nd</sup> Printing**

By: Riddle, Harless, Parker,  
Bonnen of Brazoria, et al.

H.B. No. 431

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain inmates convicted of injury  
to a child for release to mandatory supervision and to  
reconsideration of parole eligibility for those inmates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as Emma's Law.

SECTION 2. Section 508.149(a), Government Code, as amended  
by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd  
Legislature, Regular Session, 2011, is reenacted and amended to  
read as follows:

(a) An inmate may not be released to mandatory supervision  
if the inmate is serving a sentence for or has been previously  
convicted of:

(1) an offense for which the judgment contains an  
affirmative finding under Section 3g(a)(2), Article 42.12, Code of  
Criminal Procedure;

(2) a first degree felony or a second degree felony  
under Section 19.02, Penal Code;

(3) a capital felony under Section 19.03, Penal Code;

(4) a first degree felony or a second degree felony  
under Section 20.04, Penal Code;

(5) an offense under Section 21.11, Penal Code;

(6) a felony under Section 22.011, Penal Code;

(7) a first degree felony or a second degree felony

under Section 22.02, Penal Code;

(8) a first degree felony under Section 22.021, Penal Code;

(9) a first degree felony under Section 22.04, Penal Code;

(9-a) a second degree felony or a third degree felony under Section 22.04, Penal Code, if the victim of the offense is a child;

(10) a first degree felony under Section 28.02, Penal Code;

(11) a second degree felony under Section 29.02, Penal Code;

(12) a first degree felony under Section 29.03, Penal Code;

(13) a first degree felony under Section 30.02, Penal Code;

(14) a felony for which the punishment is increased under Section 481.134 or Section 481.140, Health and Safety Code;

(15) an offense under Section 43.25, Penal Code;

(16) an offense under Section 21.02, Penal Code;

(17) a first degree felony under Section 15.03, Penal Code;

(18) an offense under Section 43.05, Penal Code; ~~or~~

(19) an offense under Section 20A.02, Penal Code; or

(20) ~~(18)~~ an offense under Section 20A.03, Penal Code.

SECTION 3. The change in law made by this Act in amending

1 Section 508.149(a), Government Code, applies only to the release to  
2 mandatory supervision of an inmate serving a sentence for an  
3 offense committed on or after the effective date of this Act. The  
4 release of an inmate serving a sentence for an offense committed  
5 before the effective date of this Act is governed by the law in  
6 effect on the date the offense was committed, and the former law is  
7 continued in effect for that purpose. For purposes of this section,  
8 an offense was committed before the effective date of this Act if  
9 any element of the offense occurred before that date.

10 SECTION 4. Notwithstanding Section 3 of this Act, the  
11 change in law made by this Act in amending Section 508.149(a),  
12 Government Code, applies on or after the effective date of this Act  
13 to the policy adopted by the Board of Pardons and Paroles under  
14 Section 508.141(g), Government Code, concerning the time by which  
15 the board must reconsider for release on parole an inmate serving a  
16 sentence for an offense listed in Section 508.149(a), Government  
17 Code, regardless of whether the inmate is serving a sentence for an  
18 offense committed before, on, or after the effective date of this  
19 Act.

20 SECTION 5. To the extent of any conflict, this Act prevails  
21 over another Act of the 83rd Legislature, Regular Session, 2013,  
22 relating to nonsubstantive additions to and corrections in enacted  
23 codes.

24 SECTION 6. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 431

1 Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

*Letty Spew*  
Secretary of the Senate

By: Joan Huffman

H.B. No. 431

Substitute the following for \_\_\_\_B. No. \_\_\_\_:

By: Joan Huffman

C.S. H.B. No. 431

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reconsideration of parole eligibility for certain  
3 inmates convicted of injury to a child, elderly person, or disabled  
4 person.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as Emma's Law.

7 SECTION 2. Section 508.141, Government Code, is amended by  
8 amending Subsection (g) and adding Subsection (g-1) to read as  
9 follows:

10 (g) The board shall adopt a policy establishing the date on  
11 which the board may reconsider for release an inmate who has  
12 previously been denied release. The policy must require the board  
13 to reconsider for release:

14 (1) an inmate serving a sentence for an offense listed  
15 in Section 508.149(a) or for an offense punishable as a felony of  
16 the second or third degree under Section 22.04, Penal Code, during a  
17 month designated under Subsection (g-1) by the parole panel that  
18 denied release; and

19 (2) an inmate other than an inmate described by  
20 Subdivision (1) as soon as practicable after the first anniversary  
21 of the date of the denial.

22 (g-1) The ~~designated~~ month designated under Subsection  
23 (g)(1) by the parole panel that denied release must begin after the  
24 first anniversary of the date of the denial and end before the fifth

1 anniversary of the date of the denial. [~~The policy must require the~~  
2 ~~board to reconsider for release an inmate other than an inmate~~  
3 ~~serving a sentence for an offense listed in Section 508.149(a) as~~  
4 ~~soon as practicable after the first anniversary of the date of the~~  
5 ~~denial.~~]

6       SECTION 3. The change in law made by this Act applies on or  
7 after the effective date of this Act to the policy adopted by the  
8 Board of Pardons and Paroles under Section 508.141(g), Government  
9 Code, concerning the time by which the board must reconsider an  
10 inmate for release on parole, regardless of whether the inmate is  
11 serving a sentence for an offense committed before, on, or after the  
12 effective date of this Act.

13       SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2013.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 23, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (Relating to reconsideration of parole eligibility for certain inmates convicted of injury to a child, elderly person, or disabled person.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code as it relates to parole reconsideration for inmates convicted of a second- or third-degree felony for injuring a child, elderly person, or disabled person. Under the provisions of the bill, the Board of Pardons and Paroles (BPP) could delay the reconsideration of these offenders for release to parole up to five years after the date of denial. Under current law, the BPP must reconsider these offenders for parole release as soon as practicable after the first anniversary of the date of denial.

This act would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect on September 1, 2013.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, SD, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 17, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (Relating to reconsideration of parole eligibility for certain inmates convicted of injury to a child, elderly person, or disabled person.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
-----------------------------------------------------------------------

The bill would amend the Government Code as it relates to parole reconsideration for inmates convicted of a second- or third-degree felony for injuring a child, elderly person, or disabled person. Under the provisions of the bill, the Board of Pardons and Paroles (BPP) could delay the reconsideration of these offenders for release to parole up to five years after the date of denial. Under current law, the BPP must reconsider these offenders for parole release as soon as practicable after the first anniversary of the date of denial.

This act would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect on September 1, 2013.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA



LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB431, As Engrossed: a negative impact of (\$5,969,984) through the biennium ending August 31, 2015.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

**Fiscal Analysis**

The bill would amend the Government Code as it relates to mandatory supervision eligibility and parole reconsideration for inmates convicted of certain child-injury offenses. Under the provisions of the bill, an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child. Also under the provisions of the bill, the Board of Pardons and Paroles (BPP) could delay reconsidering the release of these offenders to parole for up to five years after the

date of the previous denial.

The bill would take effect immediately upon a two-thirds vote of all members in each house. Otherwise, the bill would take effect September 1, 2013. The bill's provisions that affect mandatory supervision would only apply to offenses committed on or after the date the bill takes effect. The bill's provisions that affect delaying parole reconsideration would apply to offenses committed before, on, or after the date the bill takes effect.

## **Methodology**

In fiscal year 2012, an estimated 595 offenders were admitted to prison for a second- or third-degree felony child-injury offense. Among prison admissions in fiscal year 2012, 395 offenders admitted to prison are assumed to have past felony convictions for child injury. This assumption is based on an analysis of prior arrests and felony conviction rates. Therefore, an estimated 990 offenders were admitted to prison in fiscal year 2012 for offenses affected by the bill, and 915 of these admissions were eligible for mandatory supervision.

The bill's provisions would also affect offenders incarcerated in a prison on the date the bill takes effect. At the end of fiscal year 2012, an estimated 1,289 offenders were incarcerated in prison for a second- or third-degree felony child-injury offense, and 1,765 offenders were estimated to have past felony convictions for injury to a child. Therefore, an estimated 3,054 offenders will be in prison when the bill takes effect, and 2,823 of these prisoners are estimated to be eligible for mandatory supervision.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

Also under the provisions of the bill, offenders convicted of certain child-injury offenses would be ineligible for release under mandatory supervision. This change is expected to increase the length of their incarceration. In the case of the bill, it is assumed that the number of prisoners affected by this statute would significantly impact state correctional agencies' workload and programs. Among fiscal year 2012 prison releases, offenders who were convicted of certain child-injury offenses and released to mandatory supervision had an average length of stay of 1,021 days. Since mandatory supervision would no longer be a release option for these offenders, they would be released under parole supervision or discharged upon completion of their entire sentence. Their length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners who were convicted of certain child-injury offenses and discharged or released to parole.

In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations convicted of certain child-injury offenses and released from prison. Costs of incarceration to the Texas Department of Criminal Justice are estimated on the basis of \$50.04 per inmate per day for prison facilities. Since fewer prisoners would be released to parole supervision, savings to parole supervision are estimated on the basis of \$3.63 per offender per day.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 15, 2013**

**TO:** Honorable Tan Parker, Chair, House Committee On Corrections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates. ), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB431, Committee Report 1st House, Substituted: a negative impact of (\$5,969,984) through the biennium ending August 31, 2015.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from <i>General Revenue Fund</i> 1</b>
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

**Fiscal Analysis**

The bill would amend the Government Code as it relates to mandatory supervision eligibility and parole reconsideration for inmates convicted of certain child-injury offenses. Under the provisions of the bill, an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child. Also under the provisions of the bill, the Board of Pardons and Paroles (BPP)

could delay reconsidering the release of these offenders to parole for up to five years after the date of the previous denial.

The bill would take effect on September 1, 2013. The bill's provisions that affect mandatory supervision would only apply to offenses committed on or after the date the bill takes effect. The bill's provisions that affect delaying parole reconsideration would apply to offenses committed before, on, or after the date the bill takes effect.

## **Methodology**

In fiscal year 2012, an estimated 595 offenders were admitted to prison for a second- or third-degree felony child-injury offense. Among prison admissions in fiscal year 2012, 395 offenders admitted to prison are assumed to have past felony convictions for child injury. This assumption is based on an analysis of prior arrests and felony conviction rates. Therefore, an estimated 990 offenders were admitted to prison in fiscal year 2012 for offenses affected by the bill, and 915 of these admissions were eligible for mandatory supervision.

The bill's provisions would also affect offenders incarcerated in a prison on the date the bill takes effect. At the end of fiscal year 2012, an estimated 1,289 offenders were incarcerated in prison for a second- or third-degree felony child-injury offense, and 1,765 offenders were estimated to have past felony convictions for injury to a child. Therefore, an estimated 3,054 offenders will be in prison when the bill takes effect, and 2,823 of these prisoners are estimated to be eligible for mandatory supervision.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

Also under the provisions of the bill, offenders convicted of certain child-injury offenses would be ineligible for release under mandatory supervision. This change is expected to increase the length of their incarceration. In the case of the bill, it is assumed that the number of prisoners affected by this statute would significantly impact state correctional agencies' workload and programs. Among fiscal year 2012 prison releases, offenders who were convicted of certain child-injury offenses and released to mandatory supervision had an average length of stay of 1,021 days. Since mandatory supervision would no longer be a release option for these offenders, they would be released under parole supervision or discharged upon completion of their entire sentence. Their length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners who were convicted of certain child-injury offenses and discharged or released to parole.

In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations convicted of certain child-injury offenses and released from prison. Costs of incarceration to the Texas Department of Criminal Justice are estimated on the basis of \$50.04 per inmate per day for prison facilities. Since fewer prisoners would be released to parole supervision, savings to parole supervision are estimated on the basis of \$3.63 per offender per day.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**February 27, 2013**

**TO:** Honorable Tan Parker, Chair, House Committee On Corrections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB431, As Introduced: a negative impact of (\$5,969,984) through the biennium ending August 31, 2015.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

**Fiscal Analysis**

The bill would amend the Government Code as it relates to certain inmates' eligibility for mandatory supervision if they were convicted of injuring a child. Under the provisions of the bill, an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child.

The bill increases the length of incarceration for prisoners convicted of offenses including child injury and eligible for mandatory supervision. Increasing the state incarceration period for any

criminal offense is expected to increase demands on state correctional agency resources. In the case of this bill, it is assumed that the number of prisoners affected by this statute would significantly impact state correctional agencies' workload and programs. Among fiscal year 2012 admissions to prison, an estimated 915 offenders would be incarcerated for or have a previous conviction for a second- or third-degree felony for injuring a child, and would otherwise be eligible for mandatory supervision. Under the provisions of this bill, these offenders would be incarcerated for an estimated additional 172 days, on average.

The bill would take effect on September 1, 2013, and only apply to offenses committed on or after that date.

### **Methodology**

In fiscal year 2012, 593 offenders were admitted to prison for a second- or third-degree felony child-injury offense and 10 were admitted for a second- or third-degree offense of injury to a child, elderly person, or disabled person. Of the 10 offenders incarcerated for general injury offenses, 2 of these offenders are assumed to have committed an injury to a child based on the proportion of victim-specified injury offenses that specify a child victim (20 percent). Among prison admissions in fiscal year 2012, 395 offenders are assumed to have past felony convictions for injury to a child. This assumption is based on an analysis of prior arrests including child injury for fiscal year 2012 admissions who were not incarcerated for a second- or third-degree felony child-injury offense as well as estimated felony conviction rates. Approximately 915 of these 990 admissions were eligible for mandatory supervision.

Among fiscal year 2012 prison releases, the average length of incarceration for second- and third-degree child-injury offenses was 1,021 days for those released to mandatory supervision. Since mandatory supervision would no longer be a release option for these offenders, they would only be released under parole supervision or discharged upon completion of their entire sentence. This length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners released to parole or discharged without supervision.

In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations admitted to and released from prison for second- and third-degree injury to a child offenses. Costs of incarceration to the Texas Department of Criminal Justice (TDCJ) are estimated on the basis of \$50.04 per inmate per day for prison facilities, reflecting approximate costs of either operating facilities or contracting with other entities. Since fewer prisoners would be released to parole supervision, savings to parole supervision are estimated on the basis of \$3.63 per offender per day.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

### **Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA, LM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**83RD LEGISLATIVE REGULAR SESSION**

**May 17, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (Relating to reconsideration of parole eligibility for certain inmates convicted of injury to a child, elderly person, or disabled person.), **Committee Report 2nd House, Substituted**

The bill would amend the Government Code as it relates to parole reconsideration for inmates convicted of a second- or third-degree felony for injuring a child, elderly person, or disabled person. Under the provisions of the bill, the Board of Pardons and Paroles (BPP) could delay the reconsideration of these offenders for release to parole up to five years after the date of denial. Under current law, the BPP must reconsider these offenders for parole release as soon as practicable after the first anniversary of the date of denial.

This act would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect on September 1, 2013.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates.), **As Engrossed**

The bill would amend the Government Code as it relates to certain inmates' eligibility for mandatory supervision if they were convicted of injuring a child and to reconsideration of parole eligibility for those inmates. Under the provisions of the bill, an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child. Also under the provisions of the bill, the Board of Pardons and Paroles (BPP) could delay reconsideration of these offenders' eligibility for release to parole up to five years after the date of the previous denial.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

Also, under the provisions of the bill, offenders convicted of certain child-injury offenses would be ineligible for release under mandatory supervision. Among fiscal year 2012 prison releases, offenders who were convicted of certain child-injury offenses and released to mandatory supervision had an average length of stay of 1,021 days. Since mandatory supervision would no longer be a release option for these offenders, they would be released under parole supervision or discharged upon completion of their entire sentence. Their length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners who were convicted of certain child-injury offenses and discharged or released to parole.

In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations convicted of certain child-injury offenses and released from prison. Assuming sentencing patterns and release policies not addressed in this bill remain constant, the probable impact of implementing the provisions of the bill during each of the first five years following passage, in terms of daily demand upon the adult corrections agencies, is

estimated as follows:

Fiscal Year	Increase In Demand For Prison Capacity	Decrease In Parole Supervision Population
2014	229	229
2015	519	519
2016	658	658
2017	766	766
2018	820	820

**Source Agencies:**

**LBB Staff:** UP, GG, JGA

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**83RD LEGISLATIVE REGULAR SESSION**

**March 15, 2013**

**TO:** Honorable Tan Parker, Chair, House Committee On Corrections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates. ), **Committee Report 1st House, Substituted**

The bill would amend the Government Code as it relates to certain inmates' eligibility for mandatory supervision if they were convicted of injuring a child and to reconsideration of parole eligibility for those inmates. Under the provisions of the bill, an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child. Also under the provisions of the bill, the Board of Pardons and Paroles (BPP) could delay reconsideration of these offenders' eligibility for release to parole up to five years after the date of the previous denial.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

Also, under the provisions of the bill, offenders convicted of certain child-injury offenses would be ineligible for release under mandatory supervision. Among fiscal year 2012 prison releases, offenders who were convicted of certain child-injury offenses and released to mandatory supervision had an average length of stay of 1,021 days. Since mandatory supervision would no longer be a release option for these offenders, they would be released under parole supervision or discharged upon completion of their entire sentence. Their length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners who were convicted of certain child-injury offenses and discharged or released to parole.

In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations convicted of certain child-injury offenses and released from prison. Assuming sentencing patterns and release policies not addressed in this bill remain constant, the probable impact of implementing the provisions of the bill during each of the first five years following passage, in terms of daily demand upon the adult corrections agencies, is

estimated as follows:

Fiscal Year	Increase In Demand For Prison Capacity	Decrease In Parole Supervision Population
2014	229	229
2015	519	519
2016	658	658
2017	766	766
2018	820	820

**Source Agencies:**

**LBB Staff:** UP, GG, JGA

LEGISLATIVE BUDGET BOARD  
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

February 27, 2013

**TO:** Honorable Tan Parker, Chair, House Committee On Corrections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB431** by Riddle (Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision.), **As Introduced**

The bill would amend the Government Code as it relates to certain inmates' eligibility for mandatory supervision if they were convicted of injuring a child. Under the provisions of the bill, an inmate would no longer be eligible to be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child.

In fiscal year 2012, 593 offenders were admitted to prison for a second- or third-degree felony child-injury offense and 10 were admitted for a second- or third-degree offense of injury to a child, elderly person, or disabled person. Of the 10 offenders incarcerated for general injury offenses, 2 of these offenders are assumed to have committed an injury to a child based on the proportion of victim-specified injury offenses that specify a child victim (20 percent). Among prison admissions in fiscal year 2012, 395 offenders are assumed to have past felony convictions for injury to a child. This assumption is based on an analysis of prior arrests including child injury for fiscal year 2012 admissions who were not incarcerated for a second- or third-degree felony child-injury offense as well as estimated felony conviction rates. Approximately 915 of these 990 admissions were eligible for mandatory supervision. Among fiscal year 2012 prison releases, the average length of incarceration for second- and third-degree child-injury offenses was 1,021 days for those released to mandatory supervision. Since mandatory supervision would no longer be a release option for these offenders, they would only be released under parole supervision or discharged upon completion of their entire sentence. This length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners released to parole or discharged without supervision. In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations admitted to and released from prison for this offense. Assuming sentencing patterns and release policies not addressed in this bill remain constant, the probable impact of implementing the provisions of the bill during each of the first five years following passage, in terms of daily demand upon the adult corrections agencies, is estimated as follows:

Fiscal Year	Increase in Demand for Prison Capacity	Decrease in Demand for Parole Supervision
2014	229	229

2015	519	519
2016	658	658
2017	766	766
2018	820	820

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, LM, JGA